

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TABITHA SANDERS,

Plaintiff(s),

v.

COUNTY OF LOS ANGELES, et al.,

Defendant(s).

2:13-CV-1469 JCM (NJK)

**ORDER**

Presently before the court are the report and recommendation of Magistrate Judge Koppe. (Doc. # 8). No objections have been filed even though the deadline for filing objections has passed.

Following plaintiff Tabitha Sanders' failure to respond to an order to show cause as to why the court should not dismiss her complaint pursuant to Local Rule 2-2, Magistrate Judge Koppe recommended that this action be dismissed without prejudice. (Doc. # 8).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate

1 judge's report and recommendation where no objections have been filed. *See United States v.*  
2 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the  
3 district court when reviewing a report and recommendation to which no objections were made); *see*  
4 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's  
5 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
6 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's  
7 recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
8 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation  
9 to which no objection was filed).

10 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
11 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
12 and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge's findings  
13 in full.

14 Accordingly,

15 IT IS HEREBY, ORDERED, AND DECREED that the report and recommendation of  
16 Magistrate Judge Koppe (doc. # 8) are ADOPTED in their entirety.

17 IT IS FURTHER ORDERED that plaintiff's motion for leave to proceed in forma pauperis  
18 (doc. # 5) is DENIED.

19 IT IS FURTHER ORDERED that plaintiff's motion to expedite (doc. # 4) is DENIED.

20 IT IS FURTHER ORDERED that plaintiff's complaint is DISMISSED without prejudice.

21 DATED April 8, 2014.

22  
23   
24 **UNITED STATES DISTRICT JUDGE**